

JONATHAN C. DICKEY, SBN 88226
JDickey@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1881 Page Mill Road
Palo Alto, California 94304-1211
Telephone: 650.849.5300
Facsimile: 650.849.5333

DANIEL S. FLOYD, SBN 123819
DFloyd@gibsondunn.com
ALEXANDER K. MIRCHEFF, SBN 245074
AMircheff@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, California 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Attorneys for Defendants
Herbalife Ltd., Michael O. Johnson,
Desmond Walsh, and John DeSimone

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

IN RE HERBALIFE, LTD.
SECURITIES LITIGATION

CASE NO. 2:14-cv-02850-DSF (JCGx)

**JOINT STIPULATION TO
CONTINUE HEARING ON
DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' AMENDED
COMPLAINT**

Hearing:

Current Date: February 9, 2015
Time: 1:30 p.m.
Place: Courtroom 840
255 East Temple St.
Los Angeles, CA 90012
Judge: Hon. Dale S. Fischer

1 The undersigned counsel for the Parties hereby submit for the Court's approval
2 the following Stipulation:

3 WHEREAS, on November 4, 2014, Defendants moved to dismiss Plaintiffs'
4 Amended Complaint;

5 WHEREAS, on December 18, 2014, Plaintiffs submitted their opposition to
6 Defendants' Motion to Dismiss;

7 WHEREAS, on January 23, 2015, Defendants submitted their reply brief in
8 further support of their Motion to Dismiss;

9 WHEREAS, Defendants' Motion to Dismiss the Complaint is currently noticed
10 for hearing on February 9, 2015;

11 WHEREAS, Defendants' counsel who will argue the Motion to Dismiss,
12 Jonathan C. Dickey, is currently experiencing a temporary medical issue and, on his
13 Doctor's advice, should not travel for the next several weeks.

14 WHEREAS, due to Defendants' counsel's medical issue, the Parties have agreed
15 that, subject to court approval, the February 9, 2015 hearing on Defendants' Motion to
16 Dismiss should be rescheduled to Monday, March 9, 2015 at 1:30 p.m., by which time,
17 based on his Doctor's orders, Defendants' counsel expects to be physically able to
18 travel to Los Angeles from Northern California, and attend and argue the Motion.

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED,
20 SUBJECT TO APPROVAL OF THE COURT, AS FOLLOWS:

21 1) The hearing on Defendants' Motion to Dismiss the Complaint currently
22 noticed for February 9, 2015 at 1:30 p.m. is hereby continued to March 9, 2015 at 1:30
23 p.m.

24 2) This Stipulation and [Proposed] Order is without prejudice to any Party's
25 right to seek a further continuance of the hearing date for good cause shown.

1 DATED: January 29, 2015

Respectfully Submitted,

2 JONATHAN C. DICKEY
3 GIBSON, DUNN & CRUTCHER LLP

4
5 By: /s/ Jonathan C. Dickey
Jonathan C. Dickey

6 Attorneys for Defendants

7
8 DATED: January 29, 2015

LESTER HOOKER
SAXENA WHITE PA

9
10 By: /s/ Lester Hooker
Lester Hooker

11 Attorneys for Plaintiffs

12
13 DATED: January 29, 2015

JON A. TOSTRUD
TOSTRUD LAW GROUP PC

14
15 By: /s/ Jon A. Tostrud
Jon A. Tostrud

16 Attorneys for Plaintiffs

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 333 South Grand Avenue, Los Angeles, California 90071. On January 29, 2015, I caused the foregoing document and its attachment—namely, the JOINT STIPULATION TO CONTINUE HEARING ON DEFENDANTS’ MOTION TO DISMISS PLAINTIFFS’ AMENDED COMPLAINT and the [PROPOSED] ORDER GRANTING THE JOINT STIPULATION—to be served as follows:

☒ by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such electronic filing to counsel of record for all parties by operation of the Court’s CM/ECF System.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the above is true and correct.

Executed on January 29, 2015, at Los Angeles, California.

/s/ Alexander K. Mircheff
Alexander K. Mircheff